

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LETICIA GARZA GALVAN,
ET AL

VS.

DAVID WHITLEY, in his
Official Capacity as
Texas Secretary of State,
et al

Case No. 7:18-cv-113

ORAL DEPOSITION OF

FEDERICO FLORES, JR.

MAY 13, 2019

ORAL DEPOSITION OF FEDERICO FLORES, JR., produced as a witness at the instance of the Defendant David Whitley, and duly sworn, was taken in the above-styled and numbered cause on the 13th day of May, 2019, from 2:09 p.m. to 3:24 p.m., before Tracie L. Carbajal, CSR in and for the State of Texas, reported by machine shorthand, at the residence of Federico Flores, Jr., located at 255 East Palmas Street, La Grulla, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions attached hereto.

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<p>6</p> <p>1 translator for all of your answers so that everything</p> <p>2 you say should be in Spanish and everything I say will</p> <p>3 be in English?</p> <p>4 A. Okay. Yes.</p> <p>5 Q. This is -- even though I speak a little bit of</p> <p>6 Spanish myself, but I'm not good enough to ask the</p> <p>7 questions to you in Spanish.</p> <p>8 Mr. Flores, what did you do to prepare for</p> <p>9 today's deposition?</p> <p>10 A. Well, nothing. I haven't done anything. Just</p> <p>11 waiting.</p> <p>12 Q. Did you review any documents?</p> <p>13 A. No.</p> <p>14 Q. Okay. Mr. Flores, I just want to go through a</p> <p>15 little bit of background about your life, and then we</p> <p>16 can kind of get to the specific issues in this case.</p> <p>17 Mr. Flores, how long have you lived in La Grulla?</p> <p>18 A. Well, we can say all of my life; since I was a</p> <p>19 little boy. I mean, we used to live with an aunt. We</p> <p>20 didn't have a house, but then I got married, so I've</p> <p>21 always lived here.</p> <p>22 Q. So you've lived here, is it fair to say, most of</p> <p>23 your adult life?</p> <p>24 A. Yes.</p> <p>25 Q. And are you currently employed?</p>	<p>8</p> <p>1 elections.</p> <p>2 Q. For how long, approximately, do you know -- let</p> <p>3 me start that over. For how long, about, have you been</p> <p>4 voting in Starr County?</p> <p>5 A. Well, I've been voting for a long time. I can</p> <p>6 say that maybe I've been voting since I've lived here.</p> <p>7 I voted when I was single and after being married.</p> <p>8 Q. Would it be fair to say you've been voting for</p> <p>9 more than ten years?</p> <p>10 A. More than that, yes.</p> <p>11 Q. Maybe more than 20?</p> <p>12 A. Yes. I'm almost 100 years old. I'm going to be</p> <p>13 80.</p> <p>14 Q. Uh-huh. Mr. Flores, I don't want to ask you</p> <p>15 anything that involved a specific conversation with your</p> <p>16 attorney, but I do just want to understand how you came</p> <p>17 to know about this lawsuit. Could you just tell me a</p> <p>18 little bit about how you came to be aware of this</p> <p>19 litigation?</p> <p>20 A. Well, Amalia is the one that brought me that</p> <p>21 paper so I could vote, but then I had the stroke so I</p> <p>22 couldn't sign the way I used to, so that's why they</p> <p>23 thought that this is not my signature. That led to all</p> <p>24 of this. That's why we're here. As a matter of fact, I</p> <p>25 have numbness in my hands. Right now I can move them a</p>
<p>7</p> <p>1 A. No.</p> <p>2 Q. Okay. What was your career or occupation?</p> <p>3 A. Well, I worked out in the fields, but I also had</p> <p>4 this career or profession in TV and radio repairs. I</p> <p>5 did that work in Rio Grande City.</p> <p>6 Q. And you mentioned that you were married?</p> <p>7 A. Well, I haven't mentioned it, but, yeah, I was</p> <p>8 married, but she passed away. My wife passed away.</p> <p>9 Q. And do you have any children?</p> <p>10 A. Yes.</p> <p>11 Q. How many?</p> <p>12 A. Well, now there are five. It used to be six.</p> <p>13 Q. Do any of them live in La Grulla?</p> <p>14 A. Well, all of them live outside the state. Only</p> <p>15 one of them -- one of my daughters, who's a teacher,</p> <p>16 lives on the other side of Expressway 83 in La Victoria.</p> <p>17 Q. Mr. Flores, do you recall when you first</p> <p>18 registered to vote?</p> <p>19 A. No.</p> <p>20 Q. Are you currently registered to vote?</p> <p>21 A. Yes.</p> <p>22 Q. What was the last election that you recall voting</p> <p>23 in?</p> <p>24 A. Well, exactly, I don't know which ones. I mean,</p> <p>25 I don't want to lie, and we haven't had any recent</p>	<p>9</p> <p>1 little bit, but I can't sign like I used to before.</p> <p>2 Q. You mentioned Amalia. What is Amalia's last</p> <p>3 name?</p> <p>4 A. Her last is Gonzalez through her husband's last</p> <p>5 name.</p> <p>6 Q. And is she a friend?</p> <p>7 A. Well, concuna. It means that I married her</p> <p>8 husband's sister.</p> <p>9 THE INTERPRETER: There's no direct</p> <p>10 translation for that word, concuna. I've looked it up,</p> <p>11 but that's what it means.</p> <p>12 BY MR. ABRAMS:</p> <p>13 Q. I want to -- you said a lot of information there,</p> <p>14 so I want to kind of unpack some of that. Which</p> <p>15 election were you referring to there?</p> <p>16 A. Well, I didn't pay attention. I mean, I've</p> <p>17 always voted. I vote here from the house all the time.</p> <p>18 They always bring me that form, but I don't remember</p> <p>19 which that one was.</p> <p>20 Q. So when you say you vote by the house in the</p> <p>21 home, do you mean that you vote by mail?</p> <p>22 A. Either that or that person that brings me the</p> <p>23 form that picks it up for me, and that person takes it.</p> <p>24 Q. But it's still a mail ballot, correct?</p> <p>25 A. Yes.</p>

<p>10</p> <p>1 Q. How long have you been voting by mail?</p> <p>2 A. Well, I mean, I've done it for a long time. It's</p> <p>3 been several times, but I don't remember exactly a</p> <p>4 number. Right now, with the condition that I have in my</p> <p>5 legs, sometimes I get lazy so they just bring me the</p> <p>6 form here to the house because I have to -- if not, I</p> <p>7 have to be with the walker.</p> <p>8 Q. Do you know about how many times, if any, your</p> <p>9 ballot has been rejected when you voted by mail?</p> <p>10 A. No. Just this time, and that was because I got</p> <p>11 the stroke and I couldn't sign the way I used to sign</p> <p>12 before on previous occasions.</p> <p>13 Q. And when you say "this time," do you know if that</p> <p>14 would be the March 2018 Democratic Primary?</p> <p>15 A. Well, it was my last vote, my last participation</p> <p>16 because, then, we had all of this issue, and that's when</p> <p>17 they saw that my signature was not the same. It wasn't</p> <p>18 familiar. It was not the same as my previous</p> <p>19 signatures, and that's because I had the stroke and I</p> <p>20 had a condition in my hands.</p> <p>21 (Exhibit No. 2 marked.)</p> <p>22 BY MR. ABRAMS:</p> <p>23 Q. I would like to show you what we'll mark as</p> <p>24 Exhibit 2. Just take a moment and look it over, please.</p> <p>25 A. Is this the one where I voted, because I see my</p>	<p>12</p> <p>1 Q. And in the fourth box, where it asks for your</p> <p>2 date of birth, is that your birth date, October 3rd,</p> <p>3 1939?</p> <p>4 A. Yes; yes.</p> <p>5 Q. Okay. And it says -- in box five, you checked</p> <p>6 that the reason for voting by mail is that you are 65</p> <p>7 years or older, correct?</p> <p>8 A. Well, yes. I mean, I'm older, but for sure, yes.</p> <p>9 Q. And let's skip to box ten. And it says --</p> <p>10 there's a signature line that says, "I certify that the</p> <p>11 information given in this application is true, and I</p> <p>12 understand that giving false information in this</p> <p>13 application is a crime," and then there's your -- it</p> <p>14 looks like someone has signed it, correct?</p> <p>15 A. Yes, this is my signature right here.</p> <p>16 Q. And it's dated, as well, correct?</p> <p>17 A. Well, 12-28-17.</p> <p>18 Q. Okay. Did you sign this application?</p> <p>19 A. Yes, and that's when I had my issue with my</p> <p>20 hands, and it may look a little bit different. I mean,</p> <p>21 there's not really too much difference, just a little</p> <p>22 bit off.</p> <p>23 Q. The medical issues you were having with your</p> <p>24 hand, how long has that been going on?</p> <p>25 A. Well, first -- ever since I had the first</p>
<p>11</p> <p>1 signature here?</p> <p>2 Q. Well, let me ask you, can you please look at it</p> <p>3 and see if you recognize what -- this is a copy of a</p> <p>4 document, but could you see if you recognize what this</p> <p>5 document is?</p> <p>6 A. Yes; yes. I mean, my signature is right there.</p> <p>7 I would have signed it. I must have signed it. It's</p> <p>8 fine. It's my signature.</p> <p>9 (Exhibit No. 3 marked.)</p> <p>10 BY MR. ABRAMS:</p> <p>11 Q. Mr. Flores, is the first page of this document</p> <p>12 your Application to Vote by Ballot -- Ballot by Mail in</p> <p>13 the -- in the Democratic Primary Election?</p> <p>14 A. Well, I think so, because I used to get them by</p> <p>15 mail, and then that person brought me the other form,</p> <p>16 and I told him that I already had it. Then I filled it</p> <p>17 out, and we put it back in the mail.</p> <p>18 Q. Okay. So if you look at -- let's just go through</p> <p>19 the application. If you look at the first box, is that</p> <p>20 your name there, Federico Flores, Jr.?</p> <p>21 A. Yes; yes.</p> <p>22 Q. And the second box, where it lists -- asks for</p> <p>23 your residence, is that your residence, 255 East Palmas</p> <p>24 Street?</p> <p>25 A. Yes; yes.</p>	<p>13</p> <p>1 stroke -- the first stroke. I don't have an exact date.</p> <p>2 I didn't really pay attention to that, but ever since I</p> <p>3 had that, I've had problems with my hands, my knees, and</p> <p>4 now I need to depend on the walker. I didn't use to</p> <p>5 depend on the walker before.</p> <p>6 Q. Was your first stroke before 2017?</p> <p>7 A. I believe so. It's been a long time already</p> <p>8 because I'm just here at the house. This is where I</p> <p>9 spend -- this is my space. I mean, I don't really --</p> <p>10 unless I have to go to a doctor. I have to wait for</p> <p>11 somebody -- a ride, and somebody assists me because the</p> <p>12 tall (sic) is somewhat high, and I've already fallen</p> <p>13 several times, so somebody has to help me.</p> <p>14 Q. In box 11 on this document, you list a witness of</p> <p>15 Andres Jesus De Leon; is that correct?</p> <p>16 A. Well, I did not list him.</p> <p>17 Q. Okay. Was Mr. De Leon in the room or next to you</p> <p>18 when you were signing your application?</p> <p>19 A. No. I signed here in the house.</p> <p>20 Q. So just to clarify, Mr. De Leon did not sign your</p> <p>21 application?</p> <p>22 A. Not when I signed, no, I mean, because I signed</p> <p>23 here. This is my signature right here, but over here, I</p> <p>24 mean, I don't know.</p> <p>25 Q. If you could turn to the second page.</p>

<p>14</p> <p>1 A. (Witness complies.)</p> <p>2 Q. And I'll represent to you that this is a document</p> <p>3 received from your attorney of the -- it's a printout of</p> <p>4 the carrier envelope that accompanied your application,</p> <p>5 the ballot -- that accompanied the ballot. I apologize.</p> <p>6 Do you recognize your signature on this document?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know if you signed this document, the</p> <p>9 carrier envelope?</p> <p>10 A. Yes.</p> <p>11 Q. And this was for the Primary Election, right?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Is that a yes?</p> <p>14 A. Yes.</p> <p>15 Q. Mr. Flores, how were you notified that your</p> <p>16 ballot in the March 2018 Democratic Primary was being</p> <p>17 rejected?</p> <p>18 A. Well, this person, Amalia, she brought me this</p> <p>19 and said that it had been rejected because of my</p> <p>20 signature. Not only mine. Several forms -- ballots had</p> <p>21 been rejected, and, I mean, that they were going to look</p> <p>22 into this and check. I mean, I agree because, I mean, I</p> <p>23 wasn't signing the same way due to the condition on my</p> <p>24 hands.</p> <p>25 Q. So would you say that there's a difference in</p>	<p>16</p> <p>1 Q. Do you let Amalia Gonzalez check your mail?</p> <p>2 A. No, I don't. I'm the only one who has the key to</p> <p>3 my mail.</p> <p>4 Q. Okay. So how did Amalia Gonzalez receive the</p> <p>5 Notice of Rejected Ballot?</p> <p>6 A. Well, because, like I said, she likes to be</p> <p>7 involved in elections and taking people -- take people</p> <p>8 to vote from here and there, and -- if people don't have</p> <p>9 a car, they'll bring them back, or they'll bring you the</p> <p>10 ballot, the form so you can fill it out and -- but</p> <p>11 she's -- then she's the one that said that the signature</p> <p>12 was rejected. I told her, "Well, yeah it may be</p> <p>13 different because of the numbness to my hands."</p> <p>14 Q. Does -- do you know whether Ms. Gonzalez works</p> <p>15 for Starr County?</p> <p>16 A. No; no. I don't think so, no.</p> <p>17 Q. What does Ms. Gonzalez do; do you know?</p> <p>18 THE INTERPRETER: Let me clarify one thing.</p> <p>19 A. No. She's -- I think she's already receiving her</p> <p>20 retirement benefits -- payments, and she just spends her</p> <p>21 time going to the daycare centers for adults.</p> <p>22 Q. Mr. Flores, after you learned that your ballot</p> <p>23 was rejected, did you do anything in response to that?</p> <p>24 A. No, because I never received anything back. For</p> <p>25 example, this ballot right here, I just saw it -- I just</p>
<p>15</p> <p>1 your signature between the application and the carrier</p> <p>2 envelope?</p> <p>3 A. Well, I mean, for example, here on the F -- the</p> <p>4 F, I mean, I try to -- it could be that the F -- I</p> <p>5 slipped there, but, I mean, I try to sign the same way</p> <p>6 all the time, but I know that's my handwriting.</p> <p>7 Q. I want to show you what we'll mark as Exhibit 3,</p> <p>8 and this is a Notice of Rejected Ballot that states that</p> <p>9 your ballot in the Primary has been rejected; is that</p> <p>10 correct? Do you recognize this document as saying that?</p> <p>11 A. Yes; yes.</p> <p>12 Q. Do you recall receiving this document?</p> <p>13 A. Well, the lady that brings me the form to cast my</p> <p>14 vote, she lives right here. She's the one that told me</p> <p>15 that my signature was not the same, that they were going</p> <p>16 to reject it. Not only mine. Several were rejected,</p> <p>17 and I told her, "Well, it could be because I didn't -- I</p> <p>18 couldn't sign the same way because of numbness in my</p> <p>19 hands."</p> <p>20 Q. Was -- is that -- is that person Amalia Gonzalez?</p> <p>21 A. Yes. She likes -- I mean, she likes politics.</p> <p>22 She's involved in politics, and she -- I mean, if she</p> <p>23 supports -- she's the kind of a person if she supports a</p> <p>24 candidate, then they'll come and they'll take you to</p> <p>25 vote and bring you back.</p>	<p>17</p> <p>1 saw it right now, but I never got anything back saying</p> <p>2 it was rejected. Now, here it does say that it was</p> <p>3 rejected, but I never saw anything.</p> <p>4 Q. But you knew that your ballot was rejected</p> <p>5 because Amalia Gonzalez told you, correct?</p> <p>6 A. Well, they said the issue was the signature, that</p> <p>7 it was different, that they were going to check that.</p> <p>8 And I told them, "Well, yeah, it could be because, I</p> <p>9 mean -- because of the issue with my hands." I mean,</p> <p>10 I'm not saying that I have pretty handwriting.</p> <p>11 Sometimes I struggle with the letters.</p> <p>12 Q. So -- and I just want to make sure I understand.</p> <p>13 Once you learned that your ballot had been rejected, did</p> <p>14 you talk to anyone in Starr County about the issue that</p> <p>15 your ballot was rejected?</p> <p>16 A. No. I don't leave the house. I'm just here.</p> <p>17 Q. Did you speak with anyone on the Early Voting</p> <p>18 Ballot Board?</p> <p>19 A. No.</p> <p>20 Q. Did you talk with anyone in John Rodriguez'</p> <p>21 office in Starr County?</p> <p>22 A. No.</p> <p>23 Q. And just to go back to something, do you ever</p> <p>24 recall receiving Exhibit 3, the Notice of Rejected</p> <p>25 Ballot?</p>

<p>18</p> <p>1 A. No; no. I have not received it, no.</p> <p>2 Q. But you did learn that your ballot had been</p> <p>3 rejected?</p> <p>4 A. Well, we were just told that it was going to come</p> <p>5 back because the signature was not the same like I used</p> <p>6 to sign before, but I'm barely looking at it right now.</p> <p>7 Q. And when you say, "We were told," who told you?</p> <p>8 A. Amalia was the one that came and told me that</p> <p>9 they did not accept my signature, and I told her it</p> <p>10 could be -- it could be a little bit different because</p> <p>11 ever since I had the stroke, I don't write the same. I</p> <p>12 mean, it's been a long time already, and I still have</p> <p>13 numbness in my hands. I used to drop everything out of</p> <p>14 my hands. At least now I can grab something or if --</p> <p>15 pay more attention. That way, I can -- I won't drop the</p> <p>16 fork or the spoon or anything.</p> <p>17 Q. And have you voted in any elections since your</p> <p>18 ballot was rejected?</p> <p>19 A. No; no.</p> <p>20 Q. Do you intend to vote in future elections?</p> <p>21 A. Well, I mean, I do have my registration card, my</p> <p>22 ID where I can show it and present it, and I can vote.</p> <p>23 If I like that candidate, then I'll vote. If not, they</p> <p>24 don't let me vote, then that's okay, but, I mean, I have</p> <p>25 the right to vote. I'm a U.S. citizen. I've never been</p>	<p>20</p> <p>1 (Recess from 2:53 p.m. to 2:59 p.m.)</p> <p>2 BY MR. ABRAMS:</p> <p>3 Q. Just a few quick clarification questions. You</p> <p>4 were registered to vote at the time of the March 2018</p> <p>5 Primary, correct?</p> <p>6 A. Yes.</p> <p>7 Q. After you learned that your ballot was rejected,</p> <p>8 did you attempt to speak with an attorney about the fact</p> <p>9 that your ballot was rejected?</p> <p>10 A. No; no.</p> <p>11 Q. Hold on one second.</p> <p>12 MR. ABRAMS: Will pass the witness.</p> <p>13 EXAMINATION</p> <p>14 BY MR. NAJVAR:</p> <p>15 Q. Okay. Mr. Flores, I'm just going to have a few</p> <p>16 quick questions of my own. You -- you said earlier that</p> <p>17 if there's a candidate that you like in another election</p> <p>18 in the future, that you would like to vote; is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Will you vote by mail again?</p> <p>22 A. Well, I'm going to try to go in person this time.</p> <p>23 This way, I avoid more issues like this, more problems.</p> <p>24 That way they accept -- they accept me. Then I'll be</p> <p>25 taking my card to vote.</p>
<p>19</p> <p>1 rejected for that, not been allowed to vote. I've</p> <p>2 always voted. I've always shown my ID.</p> <p>3 Q. Let me just try to ask that again just to</p> <p>4 clarify. In the future, if there's another election in</p> <p>5 Starr County, would you like to -- do you intend to</p> <p>6 participate in a future election if there's one in Starr</p> <p>7 County?</p> <p>8 A. Yes. I'll just show them my registration card,</p> <p>9 and, I mean, if they take it, that's fine. If not --</p> <p>10 and if not, then, I mean, I will ask them, "Why? How</p> <p>11 come you're not letting me vote," if they reject me. I</p> <p>12 mean, they should let me vote. If not, I'll just go</p> <p>13 back to Mexico like La India Maria.</p> <p>14 Q. Have you had any communications with the Texas</p> <p>15 Secretary of State's Office?</p> <p>16 A. No.</p> <p>17 Q. Have you had any communications with the Early</p> <p>18 Voting Ballot Board?</p> <p>19 A. No.</p> <p>20 Q. This might be a shorter deposition than a lot of</p> <p>21 them. If you wouldn't mind giving me five or ten</p> <p>22 minutes to look over my questions and then we'll</p> <p>23 probably be done pretty soon.</p> <p>24 A. Take your time. That's fine. No rush.</p> <p>25 MR. ABRAMS: We'll go off the record.</p>	<p>21</p> <p>1 Q. Okay. Well, if -- is that more difficult for you</p> <p>2 to go in person?</p> <p>3 A. Well, yes, I mean, but I'll make an exception. I</p> <p>4 mean, they -- they'll come and pick me up by car and</p> <p>5 take me to the voting ballots, and I'll vote there.</p> <p>6 Then they'll bring me back. That's the way they do it</p> <p>7 when they take me to the doctor. They pick me up; they</p> <p>8 assist me.</p> <p>9 Q. Well, let me ask you this, Mr. Flores. If there</p> <p>10 were a better process for voting by mail where you could</p> <p>11 confirm that it was your ballot, would you -- would you</p> <p>12 still like to vote by mail?</p> <p>13 MR. ABRAMS: Objection; form. You can still</p> <p>14 answer.</p> <p>15 A. Well, no, because, I mean -- I mean, even if it's</p> <p>16 better, and if I vote again, and then I'm going to have</p> <p>17 this problem again, this issue, so I'll just go in</p> <p>18 person to the voting ballots over there. I'll just have</p> <p>19 one of my sons take me and bring me back.</p> <p>20 Q. Okay. Well, let me ask you this. Do you</p> <p>21 think -- did anybody from the elections -- did any</p> <p>22 election official call you to try to confirm whether</p> <p>23 that was your signature on the carrier envelope?</p> <p>24 A. No.</p> <p>25 Q. Do you think that before the election officials</p>

<p>22</p> <p>1 can reject your ballot by comparing the signatures if 2 they think there's a difference, would you -- would you 3 like for them to call you to confirm that you voted? 4 A. Well, I say that they should have called to 5 confirm, and that way I could have a chance to tell 6 them. I mean, I don't see no difference here, and I 7 was -- I already had my -- the condition on my hands. 8 Q. Is it possible that at some point your health 9 could be such that it would -- it would be impossible 10 for you to go vote in person? 11 A. Well, that could be, I mean, because, I mean, if 12 I already had a stroke, I could get another one again. 13 I have heart problems. I think they want to insert one 14 of those little machines here in my heart, but they 15 haven't approved it. If not, then I won't vote anymore. 16 I mean, I don't think I have much -- too long to live 17 anyway. 18 Q. Well, let me -- Mr. Flores, so -- I'm going to 19 ask you a hypothetical question, as if you could talk to 20 the judge right now, okay? If the judge were sitting 21 here at the table right now, the judge in McAllen, and 22 he could tell you, "Mr. Flores, I'm going to change the 23 law so that the election officials have to call you to 24 ask you if you really signed your ballot before they 25 throw it in the trash," would that give you more</p>	<p>24</p> <p>1 Q. Do you feel, Mr. Flores, like you have done 2 something wrong? 3 A. Well, no. I don't think so, no, because, I mean, 4 I say that's my signature. It's almost the same. Maybe 5 there's a slight difference in one of the letters, but I 6 would say it's the same. 7 Q. Okay. So what if one day in the future it's 8 harder for you to walk or for whatever reason it's 9 impossible for you to go to vote in person, will you 10 just not vote at all at that time? 11 MR. ABRAMS: Objection; form. 12 A. Well, no. I mean, I have to find a way. I mean, 13 I have my -- to participate in voting. I have my sons. 14 I will just tell one of them to take me, and they'll 15 help me get off the car over there. I have gone voting 16 before to the school, to that small house that's there, 17 but I'm not going to trust anyone again. 18 Q. Okay. Just let me have a moment with my notes 19 now. 20 (Recess from 3:13 p.m. to 3:18 p.m.) 21 BY MR. NAJVAR: 22 Q. Okay. Mr. Flores, so if there were an election 23 in the future and none of your family and nobody else 24 could take you to vote in person, would you like to 25 have -- would you consider -- would you vote by mail at</p>
<p>23</p> <p>1 confidence in voting by mail in the future? 2 MR. ABRAMS: Objection; form. 3 A. Well, honestly, no, because, I mean, I think this 4 is too much. I mean, I don't see that much difference 5 in my signature. I wish I had other paperwork where I 6 had my signature that I could show you, and you could 7 see -- would be able to see that there's not much 8 difference in the way I sign. 9 Q. Okay. So I want to make sure I understand 10 because earlier you said that you've -- in recent 11 elections, you have voted by mail; is that true? 12 A. Well, yes, because, I mean, it's not that I'm 13 lazy, but because of the condition with my legs, I 14 wanted to take advantage that I could vote this way and 15 avoid going in person. But I know now that next time I 16 will just tell one of my sons to take me and help me 17 through the voting process, help me there and then avoid 18 all of these problems. 19 Q. Okay. And when you say "all of these problems," 20 what do you mean? 21 A. Well, I mean, all of this right here, I mean, 22 these problems. That's what we're here for because of 23 that signature. If it wasn't for that, I mean, there 24 wouldn't be any problem. We would have resolved it 25 already.</p>	<p>25</p> <p>1 that time? 2 MR. ABRAMS: Objection; form. 3 A. Well, yes, I mean, as long as that person is -- I 4 mean, you trust that person who's going to take you; you 5 know that person. Sometimes you don't know who comes to 6 get you or who's going to bring you back. 7 Q. Well, I'm asking you if there's nobody to take 8 you to vote in person and -- would you like to vote by 9 mail in that instance? 10 A. Well, no, I wouldn't like to vote like that 11 again. I mean, there's no reason why I wouldn't be able 12 to go and vote like that. It's not that far, just to 13 that small house that's there, unless you're ill, but 14 I'm fine -- if I'm fine, I can go in the car. Maybe 15 I'll buy a hamburger on the way back. 16 Q. Okay. Mr. Flores, I see that you use a walker 17 here in the house when you move around. How long have 18 you used the walker? 19 A. Well, it's been a while already. I mean, I have 20 two of them. The other one doesn't have any wheels, but 21 I need it because I may fall down. I've used it since I 22 was left with this condition, and I'm afraid to fall 23 down, and they're things that I need to ambulate 24 because, also, the house is somewhat elevated. 25 Q. Okay. And I think this is my last question, or</p>

<p>26</p> <p>1 last couple of questions, but you mentioned earlier that</p> <p>2 you can't trust somebody. Who were you talking about?</p> <p>3 A. No. I meant -- I mean, why do you need someone</p> <p>4 to come and invite you over to vote? I would just tell</p> <p>5 one of my sons to take me. I don't -- I don't need</p> <p>6 that, and it's just to that voting ballot. It's just</p> <p>7 small stations or houses. Whoever wants to go vote, you</p> <p>8 can go vote there.</p> <p>9 MR. NAJVAR: Okay. No further questions.</p> <p>10 EXAMINATION</p> <p>11 BY MR. ABRAMS:</p> <p>12 Q. Just really fast. You mentioned your sons.</p> <p>13 Where do your sons live?</p> <p>14 A. Well, just one of my daughters. She's a teacher.</p> <p>15 She lives on the other side in La Victoria. The rest</p> <p>16 live outside the state. One is in California; another</p> <p>17 one in Indiana; and the other one in Illinois. They</p> <p>18 only come here in December.</p> <p>19 MR. ABRAMS: No further questions.</p> <p>20 MR. NAJVAR: No further questions.</p> <p>21 (Proceedings concluded at 3:24 p.m.)</p> <p>22 (According to Federal Rule 30(e)(1),</p> <p>23 deponent or party must request to read and sign before</p> <p>24 the deposition is completed. Since this was not done,</p> <p>25 signature is considered waived for this transcript.)</p>	<p>28</p> <p>1 action in which this proceeding was taken, and further</p> <p>2 that I am not financially or otherwise interested in the</p> <p>3 outcome of the action.</p> <p>4 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this</p> <p>5 the 23rd day of May, 2019.</p> <p>6</p> <p>7</p> <p>8 TRACIE L. CARBAJAL, Texas CSR 2885</p> <p>9 Expiration Date: 12/31/19</p> <p>10 Integrity Legal Support Solutions</p> <p>11 Firm Registration No. 528</p> <p>12 3100 W. Slaughter Lane Suite A 101</p> <p>13 Austin, Texas 78748</p> <p>14 (512)320-8690</p> <p>15 (512)320-8692 (fax)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>27</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 McALLEN DIVISION</p> <p>4 LETICIA GARZA GALVAN, }</p> <p>5 ET AL }</p> <p>6 VS. }</p> <p>7 Case No. 7:18-cv-113</p> <p>8 DAVID WHITLEY, in his }</p> <p>9 Official Capacity as }</p> <p>10 Texas Secretary of State,}</p> <p>11 et al }</p> <p>12 REPORTER'S CERTIFICATION</p> <p>13 THE STATE OF TEXAS:</p> <p>14 COUNTY OF HIDALGO:</p> <p>15</p> <p>16 I, Tracie L. Carbajal, a Certified Shorthand</p> <p>17 Reporter in and for the State of Texas, hereby certify</p> <p>18 to the following:</p> <p>19 That the witness, FEDERICO FLORES, JR., was duly</p> <p>20 sworn by the officer and that the transcript of the oral</p> <p>21 deposition is a true record of the testimony given by</p> <p>22 the witness;</p> <p>23 That the original deposition was delivered to</p> <p>24 Michael R. Abrams;</p> <p>25 That the amount of time used by each party at the</p> <p>deposition is as follows:</p> <p>Jerad Wayne Najvar - 0 hours, 18 minutes</p> <p>Michael R. Abrams - 0 hours, 46 minutes</p> <p>I further certify that I am neither counsel for,</p> <p>related to, nor employed by any of the parties in the</p>	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LETICIA GARZA GALVAN et al.,
Plaintiffs,

v.

DAVID WHITLEY, in his official capacity as
Texas Secretary of State, et al.
Defendants.

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Case No. 7:18-cv-113

**DEFENDANT'S AMENDED NOTICE OF INTENTION TO TAKE THE
ORAL DEPOSITION OF FEDERICO FLORES, JR.**

TO: Plaintiffs, by and through their attorney of record, Jerad Wayne Najvar, Najvar Law Firm, PLLC, 2180 North Loop West, Suite 255, Houston, TX 77018.

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30, Defendant David Whitley, in his official capacity as Texas Secretary of State ("Defendant") will take the oral deposition of Federico Flores, Jr. on **May 13, 2019** beginning at **2:00 p.m.**, at 255 E. Palmas Street, La Grulla, Starr County, Texas, 78548. The deposition will continue from day-to-day until the deposition is complete.

The deposition will be recorded by an authorized court reporter and officer authorized to administer oaths. **A Spanish-English translator will also be provided.** The answers, and documents referenced during the deposition may be read and used in evidence on the trial of this cause in accordance with the Federal Rules of Civil Procedure. A representative of the Deponent may also be present.



Este formulario está disponible en Español. Para conseguir la versión en Español favor de llamar sin cargo al 1.800.252.8683 a la oficina del Secretario de Estado o la Secretaría de Violación por Adelantado.

Galvan 311

carrier envelope may be placed together in another envelope if the additional carrier envelope(s) being to a party registered to vote at the same address. This carrier envelope must be returned by mail, in person by the voter on election day at the early voting site, or by a person authorized by the voter to do so. (Instructions to the voter are on the back of the envelope.)

Seal Envelope and Sign Over Sealed Flap

Instructions to Assistant: A voter may only be assisted with sealing or marking the ballot if they have a physical disability that renders them unable to write or see, or have an inability to read the language in which the ballot is written. If you are assisting the voter, you must read the oath and complete the section below, before assisting the voter. (Instructions to the Assistant are on the back of the envelope.)

Un-volante puede recibir ayuda para leer o llenar la boleta solamente si el volante tiene una discapacidad física la cual le impide escribir o ver, o si no tiene la habilidad de leer el lenguaje en el cual la boleta está escrita. Si usted le proporcionará ayuda a un volante, usted debe leer el juramento y llenar la siguiente sección abajo, antes de asistir al volante.)

Un-volante puede recibir ayuda para leer o llenar la boleta solamente si el volante tiene una discapacidad física la cual le impide escribir o ver, o si no tiene la habilidad de leer el lenguaje en el cual la boleta está escrita. Si usted le proporcionará ayuda a un volante, usted debe leer el juramento y llenar la siguiente sección abajo, antes de asistir al volante.)

SEAL ENVELOPE AND SIGN OVER SEALED FLAP

SIGNATURE OR MARK OF VOTER (FIRMA O MARCA DEL VOTANTE)

[Signature]

Oath of Person Assisting Voter: I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions; to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; and I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. (Juramento de la Persona que Asiste al Votante: Juro (o afirmo) que no sugeriré, con palabras, señales, o gestos, la manera en la cual el votante debe votar; limitaré mi asistencia a responder las preguntas del votante, leer propuestas en la boleta, nominar a los candidatos, y si así mencionado, su partido político; prepararé la boleta del votante de acuerdo a sus instrucciones; y yo no soy el empleador del votante, un agente del empleador del votante, o un oficial o agente de un sindicato al cual el votante pertenece.)

Instructions to Witness: You are serving as a witness for the voter, or if the voter cannot make a mark, if the voter cannot make a mark, check here (Instructions to the witness are on the back of the envelope.)

Si el votante no puede firmar, marque sus iniciales aquí

Instructions to Person Depositing Carrier Envelope in Mail or to Confirmed or Contract Carrier: If you are assisting a voter by depositing the carrier envelope in the mail or with a common or contract carrier, you must complete the section below. (Instructions to the Person Official en el Correo o Encomienda al Transportista Público o Comercial: Si usted asistirá al votante a depositar el sobre oficial en el correo o con un transportista público o comercial, usted debe llenar la sección que aparece abajo.)

If you are an assistant or witness, check the appropriate box below and provide information: (Si usted es un asistente o testigo, marque la casilla correcta y proporcione su información):

Assistant/ Asistente ☐
 Witness/ Testigo ☐

Printed Name (Nombre Impreso) _____
 Street Address (Dirección Residencial) _____

Assistant/ Asistente ☐
 Witness/ Testigo ☐

Printed Name (Nombre Impreso) _____
 Street Address (Dirección Residencial) _____

Completed by Early Voting Clerk/ Nombre de Elección (Nombre de Elección): *[Signature]*
 Name of Voter (Nombre del votante): *[Signature]*
 Date of Election (Fecha de Elección): *[Signature]*

AW5-42
Prescribed by Secretary of State
Sec. 87.0431, Texas Election Code
3-07

NOTICE OF REJECTED BALLOT

This is to serve as notice that your ballot for the Primary Election was rejected by the early voting ballot board and was not counted.

Name of Voter Federico Flores
VUID Number 1005981329

Reason for Rejection: (Check As Appropriate)

- ☐ 1) Certificate on carrier envelope was not properly executed.
☐ You failed to sign your signature or make your mark.
☐ The witness failed to indicate on the envelope that you could not make a mark.
☐ The assistant or witness failed to print their name.
☐ The assistant or witness failed to sign their name.
☐ The residence address of the assistant or witness was not given.
- ☒ 2) It was determined that the signature on the application for ballot by mail and carrier envelope was not signed by the same person.
- ☐ 3) Application for ballot by mail did not state a legal ground for voting by mail.
- ☐ 4) Voter registration records indicated you did not have an effective registration for this election.
- ☐ 5) Address to which ballot was mailed was not outside the county. Voting early by mail due to expected absence from the county requires balloting materials be mailed to an address outside the county.
- ☐ 6) The residence address on the statement of residence is not located in the political subdivision conducting the election.
- ☐ 7) The mailing address on the application for ballot by mail did not match your voter registration address nor did the mailing address match any addresses provided on your statement of residence. Since you did not indicate on your application for a ballot by mail that you were having your ballot mailed to a hospital, retirement center, long term care facility, nursing home, jail, or a relative, your ballot was rejected.
- ☐ 8) The statement of residence was not included in the carrier envelope.
- ☐ 9) No identification was included with your mail ballot.
- ☐ 10) Other:

Argandoña
Signature of Early Voting Ballot Board Judge

3-6-18
Date

